



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 1925-00
31 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 25 January 1946 at the age of 17. Your record reflects that on 25 November 1946 you received captain's mast (CM) for possession of a false identification card and were awarded confinement for eight days.

Your record further reflects that on 16 July 1947 you received CM for shirking duty and disobedience. The punishment imposed was extra duty for 24 hours. Two days later, on 18 July 1947, you were convicted by deck court (DC) of a day of unauthorized absence (UA). You were sentenced to extra duty for 30 days, a \$50 forfeiture of pay, and a reduction in rate. On 15 August 1947 you were convicted by DC of absence from your appointed place of duty and were sentenced to extra duty for 60 days and forfeitures totalling \$50.

On 2 October 1947 you were convicted by summary court-martial (SCM) of using profane language, assault, and disobedience. You were sentenced to confinement for two months and a reduction in rate. Shortly thereafter, on 19 October 1947, you were again convicted by SCM of a 19 day period of UA and breaking arrest and

were sentenced to a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and ordered executed. On 18 February 1948 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. The Board also considered your contention that you did not receive counselling or direction in regards to your performance. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director